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MICHIGAN LAW REVIEW

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NOTE AND COMMENT

THE LAW SCHOOL.—As indicated in the November number, the attendance this year exceeds that of any previous year. The figures are as follows:—

Resident graduates	5	
Third-year students.....	247	
Second-year students.....	241	
First-year students.....	328	
Special students.....	78	
	—	899
Students enrolled in summer session.....	45	
	—	944
Deduct for names counted twice.....	15	
	—	
Total for the year.....	929	

Some interesting statistics have recently been compiled respecting the number of graduates of the several departments of the University. Since 1845, when the first graduates went out, the University has conferred 19,714 degrees. Although the Law Department was the third, in point of time, to be established, its graduates have been more numerous than those of any other department. In the following table, the first column shows the number of graduates of each department and the second the percentage of the entire number:

	Number	Percentage
Law department.....	7,028	35.65
Literary department.....	5,693	28.88

	Number	Percentage
Medical department	3,609	18.30
Dental department	1,089	5.53
Engineering department	881	4.47
Pharmaceutical department	872	4.42
Homeopathic department	379	1.92
Honorary degrees	163	.83
Total	19,714	100.00

ELECTIONS—VOTE OF IDIOT OR INSANE PERSON—ASCERTAINING HOW HE VOTED.—The court of appeals of Kentucky had before it an interesting question in the recent case of *Edwards v. Logan* (1902), — Ky. —, 70 S. W. Rep. 852, growing out of an election contest. Appellant and appellee were rival candidates for a county office. On the face of the returns, appellant had a small plurality, and received the certificate of election. Appellee instituted proceedings to contest the election, and the circuit court deducted, for various reasons, enough votes from appellant's list to give the election to the appellee, and the former appealed. Among the votes deducted from appellant's list was one cast by a person "who is conclusively shown to have been an idiot." There was no means of identifying his ballot. The trial court, however, assumed that he had voted for appellant, for two reasons: *First*, evidence was offered that the idiot claimed to belong to the same political party as appellant. *Secondly*, evidence was offered that, after the election, the idiot had said that he had voted the straight ticket of that party. It further appeared, however, that the idiot, in stating that he had voted that ticket, proceeded to show how he had marked his ticket, and, in doing so, showed conclusively that if he did so mark his ticket, he voted the straight ticket of the opposite party. The court of appeals held that what the voter subsequently says as to how he voted is at best but hearsay, citing *Tunks v. Vincent*, — Ky. —, 51 S. W. Rep. 622; that here he was an idiot, whose testimony would not be received upon a trial, and, *a fortiori*, his statement out of court could be of no avail; that what he said as to the ticket he voted was neutralized by his inconsistent statement of the manner of voting it; and that, therefore, there was no sufficient ground for finding that he had voted for appellant. The court below consequently erred in deducting his vote from appellant's list.

Another person who voted, and whose vote the lower court deducted from appellant's list, was alleged to have been insane upon the day of the election. There was testimony of witnesses, some of whom believed the voter sane, and some believed him insane. There was evidence that there was insanity in the family, and that the voter, his father and his brother had at different times been confined in asylums for the insane, though all had been discharged prior to the date of the election. On the day following the election, this voter was adjudged insane and directed to be confined in an asylum, though the evidence did not clearly show when his malady had reappeared. There was no evidence as to how he voted, but there was evidence that he had always claimed to belong to the party to which appellant belonged. Upon this ground the court below assumed that he must have voted for appellant. The